

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of HOPE MACKANZIE  
ROZANSKI, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SARAH CLAY,

Respondent-Appellant,

and

RICHARD ROZANSKI,

Respondent.

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UNPUBLISHED

October 4, 2007

No. 276577

Kent Circuit Court

Family Division

LC No. 06-055284-NA

Before: Bandstra, P.J., and Talbot and Fort Hood, JJ.

MEMORANDUM.

Respondent Sarah Clay appeals as of right from the court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(i). We affirm.

Respondent's parental rights to two children were terminated in a prior protective proceeding due to severe neglect caused by respondent's substance abuse. Three months after that prior termination, respondent gave birth to the child involved in this proceeding. She was arrested soon after giving birth and remained incarcerated throughout this proceeding, which lasted almost two months. Respondent argues that trial court erred when it based termination upon MCL 712A.19b(3)(i), and that she should have been allowed additional time in which to prove the success of the prior attempts to rehabilitate her.

Respondent's argument fails in light of the clear language of MCL 712A.19b(3)(i). When interpreting statutes, a reviewing court is to give effect to the intent of the Legislature and, if the language of the statute is clear, it is assumed that the Legislature intended the plainly expressed meaning, and the statute must be enforced as written. *Maxwell v Citizens Ins Co of America*, 245 Mich App 477, 482; 628 NW2d 95 (2001), citing *Bailey v DAIIE*, 143 Mich App 223, 225-226; 371 NW2d 917 (1985). As written, MCL 712A.19b(3)(i) does not provide a parent time in the foreseeable future in which to establish the success of prior rehabilitation

attempts; its clear language only asks the court to determine the success of prior rehabilitation efforts as of the date of the termination hearing. Applying that law to this case showed that the rehabilitation attempts had failed in the prior proceeding where respondent failed to comply with any element of the treatment plan. And, in this proceeding, those prior rehabilitation attempts continued to be ineffective since respondent did not comply with even the few opportunities available to her in jail. For example, she failed to document her attendance at weekly Alcoholics Anonymous/Narcotics Anonymous meetings, or meet with the foster care worker to develop a treatment plan. Therefore, the trial court did not clearly err when it based its termination order upon MCL 712A.19b(3)(i).

We affirm.

/s/ Richard A. Bandstra

/s/ Michael J. Talbot

/s/ Karen M. Fort Hood